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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,580	08/04/2003	Scott Salys	A03P1053	6996
7590 07/14/2004				
PACESETTER, INC. 15900 Valley View Court Sylmar, CA 91392-9221			EXAMINER MACHUGA, JOSEPH S	
			ART UNIT 3762	PAPER NUMBER

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,580

Applicant(s)

SALYS

Examiner

Joseph S. Machuga

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imran #5449381 in view of Webster Jr. 5893885.
3. Imran discloses an implantable lead assembly. The device includes a lead body and several electrical conductors disposed within a lumen. Not disclosed by this reference is the common insulating coating. Webster, Jr. discloses a catheter. As illustrated in Figure 3 the wires 37, 38 are covered by a common insulator. This allows the catheter to carry more leads. Given this teaching it would have been obvious to join the wires (68, 69) in Imran with a common insulator to allow for more feed lines.
4. Claims 1-4, 5, 8, 15, 16, 17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spehr et al #6321102 in view of Webster Jr. 5893885.
5. Spehr et al discloses an implantable lead assembly having several electrical conductors within a lumen. Not disclosed by this reference is the common insulating coating. Webster, Jr. discloses a catheter. As illustrated in Figure 3 the wires 37, 38 are covered by a common insulator. This allows the catheter to carry more leads. Given this teaching it would have been obvious to join the wires (68, 69) in Spehr et al with a common insulator to allow for more feed lines.

6. Claims 5, 6, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imran et al #5449381 in view of Webster Jr. 5893885 as applied to claim 4 above in further view of Cross, Jr. et al #5935159.

7. Cross, Jr. et al teaches making a wire connector having a bridge and perforations around the perimeter. This allows for greater spacing between the wires and easier access. Given this teaching it would have been obvious to one of ordinary skill in the art to add a bridge with perimeter perforations to the assembly of the proposed combination to allow for greater spacing and easier access. Also in addition to the perforations around the perimeter if in the assembly is not filled with cables then the limitation that perforation are in the bridge would been met by the channel left behind.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imran #5449381 in view of Lindegren #5769077.

9. Imran discloses an implantable lead assembly. The device includes a lead body and several electrical conductors disposed within a lumen. Not disclosed by this reference is the common insulating coating. Lindegren discloses an implant. As illustrated in Figure 5c the wires 8,16 are joined together with a common spacer. Given this teaching it would have been obvious to join the wires in Imran with a common insulator. To place the wires in contact is considered obvious to increase the devices capacity or to duplicate it function.

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10. Claims 7, 8, 9, 10 11, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobian et al #5796044 in view of Lindegren #5769077.

Cobian et al discloses an electrode assembly having helical oval shaped conductors.

Lindegren teaches applying an oval or tubular shape to a wire coating (fig 5a, Fig 6.)

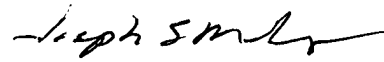
Given this teaching it would have been obvious to one of ordinary skill in the art to use an oval or tubular coating in place of the tube in Corbian et al device to provide a more secure fit.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Machuga whose telephone number is 703-305-6184. The examiner can normally be reached on Monday-Friday; 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph S. Machuga  
Examiner  
Art Unit 3762

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ANGELA D. SYKES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700